

REMARKS

Amendments to the Specification

The instant specification has been amended to correct a discrepancy regarding the abbreviation for oxoperylene. The correct abbreviation for oxoperylene is O, not E. Support for the amendment is found in paragraph [0050] of the present application as published, *i.e.*, U.S. Patent Application Publication No. US 2004/0215012 A1.

Applicants note that the above publication is used as a reference when citing sections of the instant specification as the original application was filed electronically and it is of a concern that the paper copy in Applicants' file might not match up with the paper copy that is on record with the Patent Office.

Claim Status

Claim 1 has been amended to refer to the specific aromatic hydrocarbon and heterocycle groups of oxoperylene, phenylporphyrin, or quinacridone. Support for the amendment is found in claim 15, which claim has subsequently been cancelled.

Claims 23, 25 and 27 have been amended to reflect more proper dependencies.

Claim 28 has been amended to correspond to the present amendment made to claim 1 by referring to the chemical structure of oxoperylene deoxyriboside, phenylporphyrin deoxyriboside, or quinacridone deoxyriboside.

Claim 35 has been amended to correct a typographic error.

Claim 43 has been amended to depend from claim 41. Support for the amendment is found in paragraph [0046] of the above-reference publication.

New claim 50 has been added. Support for this new claim is found in paragraph [0046] of the above-referenced publication.

Claim 44 has been amended to depend from new claim 50 as well as to include the oligoglycoside that comprises one (“1”) of the fluorescent nucleoside analogs as claimed. Support for the amendments is found in paragraph [0046] of the above-referenced publication.

Claim 45, dependent from claim 44, has accordingly been amended to refer to the proper preamble. In addition, claim 45 has been amended by adding the phrase “P is phenylporphyrin deoxyriboside” as claim 45 is apparently missing the description of fluorescent nucleoside analog “P”. Further, claim 45 has been amended to define fluorescent nucleoside analog “E” as perylene deoxyriboside. Support for such amendments is found in paragraph [0050] of the above-referenced publication.

Claim 46 has been amended to clearly denote each of the steps for the claimed method as (a), (b), (c) and (d).

Claim 47 has been amended by adding a period at the end of the sentence.

Claim 48 has been amended to refer to the antecedent properly.

Claim 49 has been amended to reflect a more proper dependency. In addition, claim 49 has been amended by adding the phrase “P is phenylporphyrin deoxyriboside” as well as to define fluorescent nucleoside analog “E” as perylene deoxyriboside for the same reasons as those discussed above regarding claim 45.

Applicants respectfully submit that the foregoing amendments do not introduce any new matter into the application as originally filed. With the present amendments, claims 1-14 and 16-50 are currently pending, among which claims 4, 5, 13, 14, 16, 18-21, 29, 32-40 and 42 are withdrawn from further examination as being drawn to non-elected species.

Claim Objections

Claims 44 and 45 stand objected to as allegedly being in improper multiple dependent claim form. In response, Applicants have amended claims 44 and 45 as discussed above under the section “Claim Status”. Therefore, it is respectfully submitted that claims 44 and 45, as presently amended, overcome the objections.

Nonstatutory Obviousness-Type Double Patenting Rejection

Claims 1-3, 6-12, 15, 28, 30-31, 41, 43 and 46-48 stand rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-3, 6, 8, 10-20, 28, 33-38 and 46 of U.S. Patent No. 6,479,650 (“the ‘650 patent”). Applicants respectfully traverse this rejection.

The instant claims have been amended to refer to individual fluorescent nucleoside analogs comprising a sugar moiety and an aromatic hydrocarbon group attached to the C1 position of the sugar moiety, wherein the aromatic hydrocarbon group is oxoperylene, phenylporphyrin, or quinacridone; oligoglycosides comprising at least one of the fluorescent nucleoside analogs; and methods of detecting a target molecule using the fluorescent nucleoside analog(s). As presently amended, the instant claims are no longer generic to all that is recited in claims 1-3, 6, 8, 10-20, 28, 33-38 and 46 of the ‘650 patent. In fact, the ‘650 patent does not disclose a fluorescent nucleoside analog comprising oxoperylene, phenylporphyrin, or quinacridone attached to the C1 position of a sugar moiety. As such, the ‘650 patent does not anticipate the instant claims as presently amended. Accordingly, the nonstatutory obviousness-type double patenting rejection should be withdrawn light of the present amendments.

Claim Rejections – 35 USC §102

Claims 1-3, 6-12, 15, 17, 22-28, 30-31, 41, 43 and 46-48 stand rejected under 35 USC §102(e) as allegedly being anticipated by U.S. Patent Application No. 6,479,650 (“the ‘650 patent”). Applicants respectfully traverse this rejection.

As discussed above, the instant claims have been amended to refer to individual fluorescent nucleoside analogs comprising a sugar moiety and an aromatic hydrocarbon group attached to the C1 position of the sugar moiety, wherein the aromatic hydrocarbon group is oxoperylene, phenylporphyrin, or quinacridone; oligoglycosides comprising at least one of the fluorescent nucleoside analogs; and methods of detecting a target molecule using the fluorescent nucleoside analog(s).

The ‘650 patent discloses and further claims a nucleoside analog in which a fluorescent cyclic compound is joined to a carbon of a sugar moiety in either an α or β configuration, wherein the fluorescent cyclic compound is p-terphenyl, perylene, perylene amide, perylene imide, azobenzene, phenazine, phenanthroline, acridine, thioxanthrene, chrysene, rubrene, coronene, cyanine, or an oligomer of varying length selected from the group consisting of oligo(phenylene acetylene), oligothiophene, and oligobenzothiophene. The ‘650 patent does not teach or suggest a fluorescent nucleoside analog comprising oxoperylene, phenylporphyrin, or quinacridone attached to the C1 position of a sugar moiety. As such, the ‘650 patent does not teach each and every element of the present invention as claimed. Consequently, the rejection under 35 USC §102(e) is respectfully requested to be withdrawn.

Rejoinder of Non-elected Species

Applicant respectfully requests that the withdrawn claims directed to the non-elected species be rejoined for further examination if the Examiner finds the present claims are allowable upon considering the amendments and remarks presented herein. *See*, MPEP 809.02(a).

This document is filed timely and no fee is believed to be due. However, should any fees be required for any reason in connection with this document, the Commissioner is authorized to deduct said fees from Howrey LLP Deposit Account No. 08-3038/12665.0025.NPUS01.

Respectfully submitted,



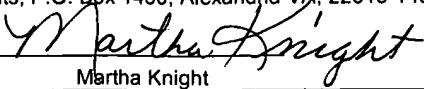
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<p style="text-align: center;">EXPRESS MAIL MAILING LABEL</p> <p>NUMBER: <u>EV 691725839 US</u> DATE OF DEPOSIT: <u>March 15, 2007</u></p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA, 22313-1450.</p> <p style="text-align: right;"> Martha Knight</p>
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